IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the Use and Benefit of Herself and the Next of Kin of RICHARD SMITH, Deceased,	)	**Case #: 3:05-00444**
	)	**Judge Trauger**
Plaintiff,	)	
-against-	)	
PFIZER INC., PARKE-DAVIS, a division of Warner-Lambert Company and Warner-Lambert Company LLC, WARNER-LAMBERT COMPANY, WARNER-LAMBERT COMPANY LLC and JOHN DOE(S) 1-10,	)	
Defendants.	)	

DECLARATION OF KENNETH B. FROMSON, ESQ. IN SUPPORT OF PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE ANY MENTION AT TRIAL BY DEFENDANTS THAT THE NEURONTIN PACKAGE INSERT WAS LABELED TO WARN AGAINST COMPLETED SUICIDE PRIOR TO THE DECEMBER 21, 2005 LABELING CHANGE

I, Kenneth B. Fromson, declare under penalty of perjury as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.

2. This declaration is submitted in support of Plaintiff's Motion *in Limine* to Exclude any mention at trial by Defendants that the Neurontin package insert was labeled to warn against completed suicide prior to the December 21, 2005 labeling change.

3. The following documents are attached hereto in support of this motion:

Exhibit A - October 20, 2005 FDA e-mail to Defendants

Exhibit B - October 27, 2005 FDA e-mail in response to a phone call from Defendant employee Manini Patel

Exhibit C - November 18, 2005, Defendants contacted the FDA

Exhibit D - November 27, 2005 reply from FDA replied to Defendants

Exhibit E - Defendants' December 21, 2005 formal request to FDA to change the label

Exhibit F - FDA's May 3, 2006 approval of the labeling change

Exhibit G - Portion of Defendants' Exhibit 7049(196) is the periodic report for Neurontin in the period August 19, 2004, through August 18, 2005

Exhibit H - 2005 Periodic Report for Neurontin covering the period from August 19, 2005, through August 18, 2006 (Exhibit 5661 on Plaintiff's exhibit list)

Exhibit I - Charts Plaintiff prepared from the ArisG adverse event database produced by Defendants and listed as Plaintiff Trial Exhibit 5311

Exhibit J - FDA Regulation 21 C.F.R § 314.80(a)

Exhibit K - Excerpts from the Deposition of Janet Arrowsmith-Lowe, January 8, 2009, pp. 136:14-137:10

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2010

/s/ Kenneth B. Fromson

Kenneth B. Fromson
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Attorneys for Plaintiff Ruth Smith

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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/s/ Kenneth B. Fromson
Kenneth B. Fromson